

C L I F F O R D
C H A N C E

CLIFFORD CHANCE US LLP

TWO MANHATTAN WES
375 NINTH AVENUE
NEW YORK, NY 10001
TEL +1 212 878 8000
FAX +1 212 878 8375
www.cliffordchance.com

BY ECF

Direct Dial: +1 2128783051
E-mail: celeste.koeleveld@cliffordchance.com

June 13, 2025

Honorable Katherine Polk Failla
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: USA v Storm, 23 Cr. 430 (KPF)

Dear Judge Failla:

Paradigm Operations LP respectfully requests leave to file the accompanying amicus curiae brief in support of Roman Storm’s proposed jury instructions as to the mens rea required for a conspiracy to violate 18 U.S.C. § 1960.¹ Mr. Storm consents to this filing, and the Government takes no position on Paradigm’s request.

Paradigm Operations LP (“Paradigm”) is a U.S.-based investment firm that backs entrepreneurs building innovative crypto companies and protocols, including projects that advance the utility and adoption of decentralized platforms.² Paradigm is concerned that the prosecution of Roman Storm rests on a definition of “money transmitting business” that is contrary to how money transmission works in practice and to prior regulatory guidance and legal precedent. Allowing this definition to prevail will harm software developers who have relied in good faith on past guidance and chill innovation in the industry. Innovators like Storm would be threatened with criminal liability for developing and deploying technology that is not inherently criminal and that does not promote, condone, or control criminal conduct.

¹ No party’s counsel authored Paradigm’s brief, in whole or in part. No party or party’s counsel contributed money that was intended to fund preparing or submitting this brief. No person other than amicus curiae or its counsel contributed money that was intended to fund preparing or submitting this brief.

² Paradigm, by its attorneys, hereby states that Paradigm has no parent corporation, and no publicly held corporation owns 10% or more of Paradigm’s stock.

Paradigm has submitted amicus curiae briefs in matters involving crypto regulation, including issues related to custody, privacy software, and decentralized finance.³

As noted, the focus of the brief is limited to the mens rea applicable to a conspiracy to operate a money transmitting business in violation of 18 U.S.C. § 1960. By submitting this brief, Paradigm hopes to assist the Court in understanding the industry's reliance on past regulator guidance on money transmission, the impact of expanding the definition of money transmission, and the critical need to cabin § 1960's reach to true money transmitting businesses. Otherwise, § 1960 will be deployed unfairly against unsuspecting and innocent actors who produce or maintain decentralized software tools.

Thank you for your consideration of this request.

Respectfully submitted,



Celeste L.M. Koeleveld

cc: All counsel via ECF

³ See Br. for Blockchain Ass'n & Crypto Freedom All. of Tex. as *Amicus Curiae* Supporting Pls., *Crypto Freedom All. of Tex. & Blockchain Ass'n v. Sec. & Exch. Comm'n*, No. 4:24-cv-00361-O, 2024 WL 4858590 (N.D. Tex. Nov. 21, 2024) (explaining negative impact the SEC's proposed dealer rule would have on decentralized finance); Br. for Ooki DAO as *Amicus Curiae* Supporting Def., *Commodity Futures Trading Comm'n v. Ooki DAO*, No. 3:22-cv-5416-WHO, 2023 WL 5321527 (N.D. Cal. June 8, 2023) (explaining governance mechanisms for decentralized protocols and impact of expanding liability to unsuspecting technology users); Br. for Van Loon, *et al.* as *Amicus Curiae* in Support of Pls., *Van Loon v. Dep't of Treasury*, 688 F. Supp. 3d 454 (W.D. Tex. 2023), *rev'd and remanded sub nom. Van Loon v. Dep't of Treasury*, 122 F.4th 549 (5th Cir. 2024) (arguing OFAC exceeded its authority in sanctioning Tornado Cash and explaining impact of sanctioning open-source code).